

**ORIGINAL**

**IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF PENNSYLVANIA**

DAVID B. CORNEAL AND  
SANDRA Y. CORNEAL

**FILED**  
HARRISBURG, PA

CASE NO. 1:00-CV-1192

APR 28 2003

VS.

(JUDGE RAMBO)

MARY E. D'ANDREA, CLERK

JACKSON TOWNSHIP, et al.

Per [Signature]  
Deputy Clerk

JURY TRIAL DEMANDED

**MICHAEL YODER, RALPH WEILER, BARRY PARKS,  
DAVID VAN DOMMELEN AND ANN I. WIRTH'S ANSWER TO  
PLAINTIFFS' MOTION *NUNC PRO TUNC* FOR ENLARGEMENT OF  
TIME TO FILE A BRIEF IN RESPONSE TO DEFENDANTS' MOTION  
FOR LEAVE TO FILE AN ANSWER**

**NOW COMES** Defendants, Jackson Township, W. Thomas Wilson, Michael Yoder, Ralph Weiler, Barry Parks, David Van Dommelen and Ann I. Wirth by and through their authorized counsel of record, Mayers, Mennies & Sherr, LLP and in response to Plaintiffs' Motion *Nunc Pro Tunc* for Enlargement of Time to File a Brief in Response to Defendants' Motion for Leave to File an Answer states as follows:

1. Admitted.
2. Denied as stated. It is admitted only that Defendants did not timely file an Answer to Plaintiffs' Amended Complaint.
3. Admitted.
4. Admitted. By way of further response, Defendants did not file a Brief



in support of their Motion dated February 20, 2003 since Defendants believed that their Motion for Enlargement of Time was governed by Local Rule of Civil Procedure 7.5(a).

5. Admitted.

6. Admitted.

7. Admitted.

8. Admitted.

9. Denied. After reasonable investigation, Answering Defendants are without sufficient information or knowledge upon which to form a belief as to the truth of the averments contained in ¶9, which is, therefore, deemed denied and strict proof thereof is demanded at time of trial.

10. Admitted in part and denied in part. It is admitted that Plaintiffs failed to timely file either a response to Defendants' Motion for Leave to Answer or a Motion for Enlargement of Time to respond to Defendants' Motion for Leave to Answer. By way of further response, with regard to the reason for which Plaintiffs failed to timely file a response, after reasonable investigation, Answering Defendants are without sufficient information or knowledge upon which to form a belief as to the truth of the averments contained in ¶10, which is, therefore, deemed denied and

strict proof thereof is demanded at time of trial.

11. Denied. The allegations contained in ¶11 constitute a conclusion of law to which no responsive pleading is required and on that basis, they are denied.

12. Denied. The allegations contained in ¶12 constitute a conclusion of law to which no responsive pleading is required and on that basis, they are denied.

13. Admitted.

14. Denied. The allegations contained in ¶14 constitute a conclusion of law to which no responsive pleading is required and on that basis, they are denied.

**WHEREFORE**, Defendants respectfully request that this Honorable Court enter an Order granting Defendants' Motion for Leave to File an Answer to Plaintiffs' Amended Complaint *Nunc Pro Tunc*.

**MAYERS, MENNIES & SHERR, LLP**

BY: 

ANTHONY R. SHERR, ESQUIRE  
Attorney for Defendants

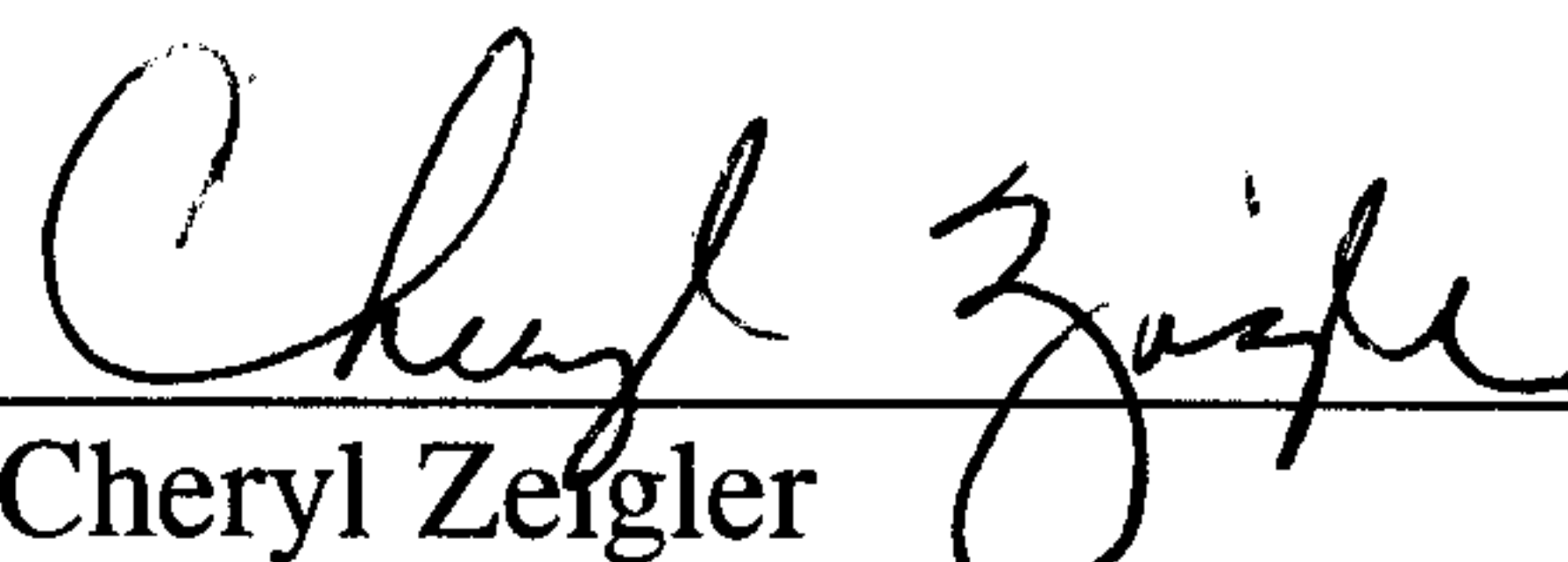
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## CERTIFICATE OF SERVICE

I, Cheryl Zeigler, hereby certify that on the 28<sup>th</sup> day of April 2003, a true and correct copy of Defendants, Jackson Township, W. Thomas Wilson, Michael Yoder, Ralph Weiler, Barry Parks, David Van Dommelen and Ann I. Wirth's Answer to Plaintiffs' Motion *Nunc Pro Tunc* for Enlargement of Time to File a Brief in Response to Defendants' Motion for Leave to File an Answer, was served by first class regular mail, postage prepaid upon the following:

Bridget E. Montgomery, Esquire  
Adam M. Shienvold, Esquire  
Eckert, Seamans Cherin & Mellott  
213 Market Street, 8<sup>th</sup> Floor  
Harrisburg, PA 17101

BY:   
Cheryl Zeigler  
Legal Assistant to Anthony R. Sherr